

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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GARY GILLARD,

Plaintiff,

-v.-

9:06-CV-1038  
(FJS)(DEP)

JOHN BURGE, Superintendent, Elmira Correctional Facility, *et al.*,

Defendants.  
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APPEARANCES:

GARY GILLARD  
01-A-1613  
Plaintiff, *pro se*

DAVID E. PEEBLES, U.S. MAGISTRATE JUDGE

**ORDER**

Presently before the Court is a Motion for Reconsideration filed by Plaintiff Gary Gillard. Docket No. 8. The Motion seeks reconsideration of that portion of the October 4, 2006 Order of this Court that directed the U.S. Marshals to serve the Defendants in this action. Docket No. 6.

In particular, Plaintiff states that he wishes to have the Summonses forwarded to him, and he will arrange for service on the Defendants. The basis for Plaintiff's request is that he believes he can arrange to have service perfected more expeditiously than the Marshals.

Plaintiff is advised that he is required to fully comply with Rule 4 of the Federal Rules of Civil Procedure that governs service of process. **Any defects in service will not be excused by the Court.** Further, Plaintiff will still be required to pay the full filing

fee of \$350.00, even though he is not availing himself to service by the Marshals.

Based on the terms of this Order, Plaintiff's Motion for Reconsideration will be granted.

WHEREFORE, it is hereby

ORDERED, that Plaintiff's Motion for Reconsideration (Docket No. 8) is granted, and it is further

ORDERED, that the Clerk direct the Marshal not to attempt service of process in this action, and it is further

ORDERED, that the Clerk shall issue Summonses and forward them, along with a copy of the Complaint, to Plaintiff for service of same on Defendants in accordance with the Federal Rules of Civil Procedure, and it is further

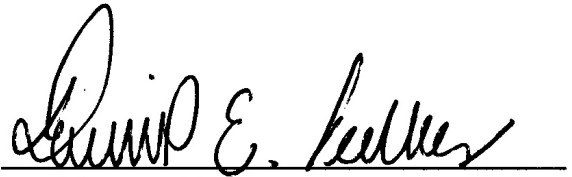
ORDERED, that the Plaintiff shall arrange for service of process on the Defendants, at his own expense, in accordance with the Federal Rules of Civil Procedure, and it is further

ORDERED, that all pleadings, motions and other documents relating to this action shall be filed with the Clerk of the United States District Court, Northern District of New York, 7th Floor, Federal Building, 100 S. Clinton St., Syracuse, New York 13261-7367. **Any paper sent by a party to the Court or the Clerk shall be accompanied by a certificate setting forth the date a true and correct copy of same was mailed to all opposing parties or their counsel. Any letter or other document received by the Clerk or the Court which does not include a certificate of service which clearly states that an identical copy of same was served upon all opposing parties or their attorneys is to be returned without processing.** Plaintiff shall also

comply with any requests by the Clerk's Office for any documents that are necessary to maintain this action. Motions must comply with Local Rule 7.1 of the Northern District of New York and are to be made returnable before the assigned Magistrate Judge on any business day with proper allowance for notice as required by the Rules. **Plaintiff is also required to promptly notify the Clerk's Office of any change in his address; his failure to keep such office apprised of his current address will result in the dismissal of the instant action.** All motions will be decided on submitted papers, without oral argument, unless otherwise ordered by this Court, and it is further

ORDERED, that the Clerk serve a copy of this Order on the Plaintiff and the Office of the New York State Attorney General.

IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read "David E. Peebles", is written over a horizontal line.

David E. Peebles  
U.S. Magistrate Judge

Dated: October 18, 2006  
Syracuse, NY